

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

SHARMELL CUNNINGHAM,

Defendant.

14-CR-109-1 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

On February 3, 2021, Defendant filed a *pro se* motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). *See* ECF No. 136. Upon review of the motion, the Court concludes that it is appropriate to appoint counsel for Defendant pursuant to the Criminal Justice Act. Accordingly, Eric M. Sears, former counsel, is hereby re-appointed as counsel pursuant to the Criminal Justice Act to handle Defendant's motion (and any other application relating to COVID-19). If Mr. Sears is unable or unwilling to accept re-appointment, he shall notify the Court no later than **February 8, 2021**. Assuming Mr. Sears is not relieved as counsel, he shall immediately contact Defendant by telephone to advise him of this Order and confirm that he is willing to be so represented (the alternatives being to continue to proceed *pro se* or to retain counsel), and shall promptly thereafter file a letter indicating whether Defendant consents or objects to such representation.

Unless and until the Court orders otherwise, counsel shall file any supplemental papers on Defendant's behalf no later than **February 18, 2021**. The Government shall file any opposition by **February 25, 2021**, and Defendant shall file any reply by **March 1, 2021**.

SO ORDERED.

Dated: February 4, 2021  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge